IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23605 of 2005

Between:

K. Vasudeva Rao

..... PETITIONER

AND

The Sub-Inspector of Police,

Peddakaduburu Mandal,

Kurnool District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent calling the petitioner to the police station and directing him to hand over the movable and immovable properties belonging to the 2nd respondent Devastanam, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that pursuant to the appointment of Executive Officer, Group Temples, Yemmiganoor as single trustee in respect of the

2nd respondent temple by proceedings of the Assistant Commissioner, Endowments Department, Kurnool in Rc.No.A1/3012/2005 Adm.dated 11.07.2005, the petitioner was directed to hand over all records and accounts belonging to the 2nd respondent Devastanam. As the entire records and movable and immovable properties were not handed over by the petitioner, the 2nd respondent issued notice on 13.07.2005. But in spite of the said notice, the petitioner has not handed over the records and properties of the temple, and therefore, a letter in Rc.No.Nil/05, dated 24.10.2005 was addressed to the petitioner herein, requesting him to hand over the said records and movable and immovable properties of the temple, otherwise, necessary action will be taken under Section 133 of A.P.Charitabled and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987) (for short 'the Act'). It is stated that copy of the said letter was also marked to the Assistant Commissioner of Endowments and the 1st respondent herein for information. Merely because a copy was marked to the 1st respondent, I do not see any material to show that the 1st respondent is interfering with the personal life and liberty of the petitioner.

The learned counsel for the 2nd respondent submits that there is no material to show that the police are interfering with the life and liberty of the petitioner and further submits that the 2nd respondent asserted that he will take action under Section 133

of the Act if the petitioner fails to hand over the records belonging to the 2nd respondent Devastanam.

Having regard to the facts and circumstances of the case, I am of the opinion that the petitioner has no right or authority to withhold the records, movable and immovable properties of the 2nd respondent temple and he is duty bound to hand over the same, and if he failed to do so, the 2nd respondent is at liberty to take action against him under Section 133 (2) (a) (b) of the Act. It cannot be said that the 2nd respondent has no right to take possession of the records from the petitioner.

It is also brought to the notice of this Court that the petitioner, questioning the proceedings of the Assistant Commissioner, Endowments Department, Kurnool, in Rc.No.A1/3012/2005, Adm.dated 11.07.2005, filed W.P.No.17265 of 2005 and this Court did not grant any stay, and therefore, it is open for the 2nd respondent to take appropriate action in accordance with law.

As there is no material to show that the 1st respondent is interfering with the personal life and liberty of the petitioner, and admittedly as no case has been registered against the petitioner, I do not see any justification to issue any direction to the respondents. Therefore, the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

Dated: 03.11.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr